

08/28/01  
JC950 U.S. PTO

08/29/01

PATENT  
Attorney Docket No.: FORS-06612

A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Box Patent Application  
Assistant Commissioner For Patents  
Washington, D.C. 20231

JC903 U.S. PTO  
09/940925  
08/26/01

### NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of James E. Dahlberg, Mary Ann D. Brow and Victor I. Lyamichev for **Detection of Target Sequences By Cleavage Of Non-Target Nucleic Acids**.

#### CERTIFICATION UNDER 37 C.F.R. § 1.10

I hereby certify that this New Application Transmittal and the documents referred to as enclosed therein are being deposited with the U.S. Postal Service on this date **August 28, 2001** in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number **EL 790 816 730 US** addressed to: **Box Patent Application**, Assistant Commissioner For Patents, Washington, D.C. 20231.

*Susan M. McClintock*  
Susan M. McClintock

1. **Type Of Application**

This new application is for a(n)

- ☒ Original (nonprovisional)  
☒ Divisional.

2. **Benefit Of Prior U.S. Application(s)** (35 U.S.C. §§ 119(e), 120, or 121)

- ☒ The new application being transmitted claims the benefit of prior U.S. application(s) and enclosed are **ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.**

3. **Papers Enclosed That Are Required For Filing Date Under 37 C.F.R. § 1.53(b) (Regular) or 37 C.F.R. § 1.153 (Design) Application**

395 Pages of Specification  
5 Pages of Claims  
1 Page of Abstract  
110 Sheets of Informal Drawings

4. **Additional Papers Enclosed**

- ☒ Preliminary Amendment

5. **Declaration**

- ☒ Enclosed  
☒ Executed by inventors.

6. **Inventorship Statement**

The inventorship for all the claims in this application is:

- ☒ the same

7. **Language**

- ☒ English

8. **Fee Calculation (37 C.F.R. § 1.16)**

- ☒ Regular application

#### CLAIMS AS FILED

Number Filed	Number Extra	Rate	Basic Fee - \$710.00 (37 C.F.R. § 1.16(a))
Total Claims (37 C.F.R. § 1.16(c))	24 - 20 =	4 × \$18.00 =	\$72.00
Independent Claims (37 C.F.R. § 1.16(b))	1 - 3 =	0 × \$80.00 =	\$0.00
Multiple Dependent Claim(s), if any (37 C.F.R. § 1.16(d))	+ \$270.00 =		\$0.00
Filing Fee Calculation			\$782.00

## 9. Small Entity Statement(s)

☒ Verified Statement(s) that this is a filing by a small entity under 37 C.F.R. §§ 1.9 and 1.27.

Filing Fee Calculation (50% of above) \$391.00

## 10. Fee Payment Being Made At This Time

☒ Enclosed☒ basic filing fee

\$391.00

Total Fees Enclosed \$391.00

## 11. Method of Payment of Fees

☒ Check in the amount of \$391.00

## 12. Authorization To Charge Additional Fees and Credit Overpayment

☒ The Commissioner is hereby authorized to charge payment of any fees associated with this communication or credit any overpayment to Deposit Account No.: 08-1290. An originally executed duplicate of this transmittal is enclosed for this purpose.


## 13. Power of Attorney by Assignee

☒ The power appears in the original papers in the prior application.

## 14. Return Receipt Postcard

☒ Enclosed

Dated: August 28, 2001

  
 David A. Casimir  
 Registration No.: 42,395

 MEDLEN & CARROLL, LLP  
 101 Howard Street, Suite 350  
 San Francisco, California 94105  
 415/904-6500
☒ Incorporation By Reference Of Added Pages☒ Plus Added Pages For New Application Transmittal Where Benefit Of Prior U.S. Application(s) ClaimedNumber of pages added 1

T08280"52604660

ADDED PAGES FOR APPLICATION TRANSMITTAL  
WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED

15. **Relate Back**

A. 35 U.S.C. § 119(e)

B. 35 U.S.C. §§ 120, 121 and 365(c)

- ☒ Amend the Specification by inserting before the first line the sentence: "This application is a Divisional application of co-pending application U.S. Patent Appln. Ser. No. 09/655,378, filed September 5, 2000, which is a Continuation of co-pending application U.S. Patent Appln. Ser. No. 08/520,946, filed January 15, 1998, which is a Continuing Patent Application of U.S. Patent Appln. Ser. No. 08/520,946, filed August 30, 1995, which is a Continuation-in-Part application of U.S. Patent Appln. Ser. No. 08/484,956, filed June 7, 1995, now U.S. Patent No. 5,843,654, issued December 1, 1998, which is a Continuation-in-Part application of U.S. Patent Appln. Ser. No. 08/402,601, filed March 9, 1995, now abandoned and the Continuation U.S. Patent Appln. Ser. No. 08/802,233, filed February 19, 1997, now U.S. Patent No. 5,888,780, issued March 30, 1997, which is a Continuation-In-Part Application of Application Serial No. 08/337,164, filed November 9, 1994 and the Continuation U.S. Patent Appln. Ser. No. 08/789,079, filed February 6, 1997, now U.S. Patent No. 5,719,028, issued February 17, 1998, which is a Continuation-In-Part Application of Application Serial No. 08/254,359, filed June 6, 1994, now U.S. Patent No. 5,614,402, issued March 25, 1997, which is a Continuation-In-Part Application of Application Serial No. 08/073,384, filed June 4, 1993, now U.S. Patent No. 5,541,311, issued June 30, 1996, which is a Continuation-In-Part Application of Application Serial No. 07/986,330, filed December 7, 1992, now abandoned.."

16. **Further Inventorship Statement Where Benefit Of Prior Application(s) Claimed**

- a. This application discloses and claims additional disclosure by amendment and a new declaration or oath is being filed. With respect to the prior application, the inventor(s) in this application are ☒ the same.

09/655,378 - 08/520,946